



Leicester
City Council

Minutes of the Meeting of the
LICENSING (HEARINGS) SUB-COMMITTEE

Held: TUESDAY, 27 NOVEMBER 2018 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)
Councillor Hunter (Vice Chair)

Councillor Byrne

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33. APPOINTMENT OF CHAIR

Councillor Thomas was appointed as Chair for the meeting.

34. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Cank who had stepped down from the hearing panel due to a prejudicial interest. Councillor Hunter was present as a substitute in place of Councillor Cank.

35. DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary or other interest they may have in the business on the agenda.

Councillor Byrne declared she had sat on a Licensing Hearing panel when the premises were discussed at a previous hearing, but she had an open mind and the interest would have no bearing on any decision she made.

Councillor Thomas declared he had sat on a Licensing Hearing panel as Chair when the premises were discussed at a previous hearing, but he had an open mind and the interest would have no bearing on any decision he made.

In accordance with Council's Code of Conduct, the interests declared were not considered so significant in relation to the application that they were likely to prejudice the Members' judgement of the public interest and the Councillors were therefore not required to withdraw from the meeting.

36. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: DOMINGOS SUPERSTORE, 67-69 CHURCH GATE, LEICESTER, LE1 3AN

The Director of Neighbourhood and Environmental Services submitted a report that required the Sub-Committee to determine an application for the variation of an existing premises licence within a Cumulative Impact Zone for Domingos Superstore, 67-69 Church Gate, Leicester, LE1 3AN.

Members noted that a representation had been received which necessitated that the application for a variation of an existing premises licence had to be considered by the Sub-Committee.

The Sub-Committee noted that Councillor Cank had had to step down from the hearing on account of a prejudicial interest, and had been substituted by Councillor Hunter.

The applicant Mr Sunday Ajeibi was present with Mr Tirunavukkarasu Kanagalingam (representative) and Mr Anil Bhavsar (Licensing Agent). Mr Nigel Rixon (Licensing Manager for Leicestershire Police) PC Jeff Pritchard, Mr Dave Braithwaite (Leicestershire Police), the Chief Licensing Officer, Licensing Team Leader and Legal Adviser to the Sub-Committee were also present.

Introductions were made and the procedure for the meeting was outlined to those present.

The Chief Licensing Officer presented the report and outlined details of the application. It was noted that a representation had been received from Leicestershire Police on 23rd October 2018 which related to the prevention of crime and disorder, the prevention of public nuisance and public safety. The Police were concerned that the premises was in the heart of the Cumulative Impact Zone (CIZ), and the applicant was looking to vary the licensing hours substantially but had not identified what steps they would take to ensure the longer operating hours would not impact on the CIZ. They were also concerned about the removal of the condition that Mr Kanagalingam would not be employed at the premises, because he had been seen behind the counter of the premises. It was noted that additional information from the police had been circulated, and CCTV and bodycam footage would be viewed in the meeting.

PC Pritchard from Leicestershire Police was given the opportunity to outline the reasons for the representation, and responded to questions from the Sub-Committee and the applicant's licensing agent. During the submission CCTV footage and Bodycam footage was viewed by those present.

The applicant's licensing agent outlined the reasons for the application, and answered questions from Members. An example of footage of other employees working in the shop was offered but not viewed. A reduction in the opening hours applied for on Friday and Saturday to 11.00pm was also offered.

Both parties were then given the opportunity to sum up their positions and

make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present and were advised of the options available to them in making a decision. The Sub-Committee were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

In reaching their decision, the Sub-Committee felt they should deliberate in private on the basis that this was in the public interest and as such outweighed the public interest of their deliberation taking place in the presence of the parties represented.

The applicant Mr Ajeibi, Mr Kanagalingam, Mr Bhavsar, Mr Rixon, PC Pritchard, Mr Braithwaite, the Chief Licensing Officer, Licensing Team Leader and Legal Adviser to the Sub-Committee then withdrew from the meeting.

The Sub-Committee then gave the application full and detailed consideration. The Legal Adviser to the Sub-Committee was recalled to the meeting to advise Members on the wording of their decision.

The applicant Mr Ajeibi, Mr Kanagalingam, Mr Bhavsar, Mr Rixon, PC Pritchard, Mr Braithwaite, the Chief Licensing Officer, and Licensing Team Leader then returned to the meeting.

The Chair informed all persons present that they had recalled the Legal Adviser to the Sub-Committee for advice on the wording of their decision.

RESOLVED:

That the application for the variation of an existing premises licence within a cumulative impact zone Domingos Superstore, 67-69 Church Gate, Leicester, LE1 3AN be REFUSED.

REASON FOR THE DECISION.

The Sub-Committee considered the application on its individual merits. The Sub-Committee felt that the applicant had failed to demonstrate that the variation of the licence would be unlikely to add to the existing problems of cumulative impact in the area.

The Sub-Committee accepted the representations made by the Police. The Sub-Committee felt that the applicant had failed to put forward sufficient grounds or evidence as to why the licence should be varied.

The Sub-Committee therefore rejected the application in its entirety.

The applicant was advised of the right to appeal to the Magistrates Court.

37. ANY OTHER URGENT BUSINESS

There being no other items of urgent business the meeting closed at 11.45am.